

JUNE 22, 2011  
PROPOSED REVISIONS TO WAIVER PROCESS  
HANDOUT #1  
(for discussion purposes only)

(Note: The single underline and strikeout represent the 45-day comment period revisions.  
The double underline and strikeout represent the proposed revised language.)

**Section 17946. Waivers**

(a) In accordance with Public Resources Code (PRC) 42330(c), ~~t~~The Department Board shall grant a waiver from rigid plastic packaging container compliance under Section 17944 for a newly introduced product ~~upon petition by a product manufacturer~~ sold in California, upon petition by a product manufacturer pursuant to subsection (c) below.

(b) ~~A~~Such waivers from compliance with Section 17944 shall be valid for 12 months ~~immediately after~~from the date on which the newly introduced product is first sold or offered for sale in California.

(c) Petition for Waiver

To receive a waiver, a product manufacturer shall petition the Department Board as part of the compliance certification process. Within 60 calendar days of receipt of notice that it has been selected for certification (per Section 17945.1(d)), ~~t~~The product manufacturer shall submit to the Department Board a written petition that includes the following information:

(1) The newly introduced product for which the waiver is being requested;

(2) The name, mailing address, e-mail, and telephone number of the contact person to whom the Department Board shall direct future communications relating to the petition;

(3) Documentation and supporting evidence demonstrating the date the product was or will be first sold or offered for sale in California during the measurement period.

(4) Documentation demonstrating the product conforms to the “newly introduced product or package” definition;

The documentation must be submitted under penalty of perjury, ~~according to~~and include the following statement~~format~~:

“I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct;” and the title of the signatory and the date of signature.

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(Date)                      (Signature)                      (Title)

(d) Upon receipt of a product manufacturer's petition for a waiver, the Department ~~Board~~ will review the petition and will grant or deny the petition in writing within 60 calendar days.

(e) The Department ~~Board~~ will grant a general waiver to all product manufacturers from compliance with the rigid plastic packaging container requirements, in accordance with ~~Public Resources Code~~PRC Section 42330 (b)(1), if less than 60 percent of California's single family households have access to curbside collection programs which include beverage container recycling. It is not necessary to petition the Department ~~Board~~ for this waiver. The Department ~~Board~~ may use curbside collection data submitted as part of the beverage container recycling related requirements biannually to obtain the information necessary to determine whether this waiver should go into effect.

Authority cited: Sections 40502 and 42325, Public Resources Code.

Reference: Sections 42325 and 42330, Public Resources Code.